

# **SIMSBURY CHARTER REVISION COMMISSION**

## **FINAL REPORT**



**JUNE 18, 2012**

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**I.     Introduction**

The Simsbury Charter Revision Commission (“the Commission”) was impaneled by Resolution of the Simsbury Board of Selectmen on December 13, 2010. The Commission was charged with the responsibility of reviewing the Simsbury Town Charter (“the Charter”) in accordance with Charter Section 1108. In addition, the Board of Selectmen requested that the Commission review the specific issues outlined in a memo dated May 6, 2011.

**II.    Public Hearings**

The Commission conducted public hearings on May 10, 2011 and March 22, 2012.

**III.   Meetings**

The Commission held meetings on the following dates:

February 23, 2011	February 14, 2012
March 8, 2011	February 28, 2012
May 10, 2011	March 7, 2012
June 14, 2011	March 19, 2012
June 28, 2011	March 27, 2012
July 12, 2011	June 12, 2012
July 26, 2011	
August 9, 2011	
September 13, 2011	
September 27, 2011	
November 8, 2011	
November 22, 2011	
December 13, 2011	
January 10, 2012	
January 24, 2012	

**IV.    Local Agencies Interviewed**

The Commission interviewed and/ or invited comment from the following Simsbury Boards, Commissions and Agencies:

1. Design Review Board
2. Police Commission

Michael Rinaldi addressed the Commission at its May 10, 2011 public hearing and recommended amendments to (a) Section 205, filling of vacancies; and (b) Section 303 to reflect the consolidation of the probate court and (c) the format of the Town Meeting.

Joan Coe addressed the Commission at its May 10, 2011 public hearing and recommended the Charter be amended to adopt the town manager form of government. She further addressed the Commission at its July 12, 2011 meeting and reiterated her support for the town manager form of government.

Mrs. Coe also addressed the Commission at its March 22, 2012 Public Hearing. She expressed her displeasure at the town not allowing residents to vote on the Town Manager form of government. She also referred to Section 301(c) (2), pertaining to the elected membership of the Board of Education, and stated this section should be revised so that the seats are challenged.

She then referred to Section 402, Presiding officer, organization and procedure, and asked if its language allows resident to petition the town for a Town Manager. Pertaining to Sections 406 and 408, Mrs. Coe suggested that all budget items should go to referendum vote and that the town meeting should be eliminated for all monetary items.

Mrs. Coe objected to the revision to Section 502, Duties of the First Selectman, allowing the First Selectman to appoint a Town Officer to the position of Personnel Director, and requested that this paragraph be eliminated.

John Carroll addressed the Commission at its May 10, 2011 public hearing and stated his support for the Design Review Board being included in the Charter as a permanent appointed commission.

Mr. Carroll addressed the Commission at its March 22, 2012 Public Hearing. He expressed his disappointment that the Design Review Board had not been made a permanent board on the Charter. He also recognized the town's need for professional management and noted that the town has been successfully operating under a council form of government for some time.

Linda Schofield addressed the Commission at its June 14, 2011 meeting and recommended that the Charter be amended to increase the term of office for the members of the Board of Selectmen to serve a four year term.

John Loomis addressed the Commission at its September 27, 2011 meeting. Mr. Loomis opposed the proposal to combine the Planning and Zoning Commissions and he supported the proposal to include the Design Review Board in the Charter as a permanent commission.

Sue Bednarczyk addressed the Commission at its September 27, 2011 meeting. She opposed combining the Planning and Zoning Commissions. She supported including the Design Review Board in the Charter as a permanent commission. She further

9. Zoning Board of Appeals. At its December 13, 2011 meeting, the Commission heard testimony from members of the Zoning Board of Appeals. The members offered their opinion that the six years terms in the previous Charter were beneficial to the Board because of the experience it provided to their members.

10. Conservation Commission-Inland Wetlands and Watercourses Agency. At its December 13, 2011 meeting, the Commission heard testimony from the Conservation Commission members who noted that the number of referrals to their agency from other land use boards has greatly declined over the years and asked the Commission to investigate ways to change the Charter to require more review of conservation issues.

11. Town Moderator. At its December 13, 2011 meeting, the Commission heard testimony from the Town Moderator. The Moderator asked the Commission to investigate whether the revised Charter should eliminate the Town Meeting process found in Article Five, since so much of the jurisdiction of the Town Meeting is subject to the Automatic Referendum.

12. Board of Ethics. At its January 10, 2012 meeting, the Board addressed the Commission. Richard Order, Chairman of the Board stated that no changes in the Charter regarding the Board are necessary.

13. Aging and Disability Commission. Aging and Disability Commission (ADC) member, Peggy Shanks, advised the Commission on the ADC's purpose and activities. Another ADC member, Victor Bible, noted that he was willing to serve as a non-partisan commission member but, because of the political composition of the Commission, he had to wait quite some time for an opening. Commissioner Fleming replied that the ADS's political composition should be reviewed.

14. Building Code Board of Appeals. Emil Dahlquist, Chair of the Building Code Board of Appeals, stated that the current composition of his board as defined in the Charter, i.e. five permanent members and two alternates, is the preferred composition and his board would like to see that remain. There was a question as to whether this is in accordance with state statutes, which will have to be verified.

15. Open Space Committee. Mike Paine, Chair of the Open Space Committee, talked about his committee's purpose, and Attorney DeCrescenzo distributed a memo from another member to the committee, Mary Glassman, stating her opinion that the Open Space Committee is an important asset to the town and its current composition works well.

16. First Selectman. At its February 28, 2012 meeting, the Commission heard testimony from the First Selectman regarding the possible inclusion in the Charter of a human relations manager position and the changing duties and responsibilities related to managing the personnel functions of town government.

current Charter. Based on her testimony and the testimony of the Board of Finance, a number of changes to the budget calendar contained in Section 804, 805, 806, 806 or 808 have been made.

6. Section 810, Emergency Appropriations: Under the current Charter, emergency appropriations are limited to 3% of the Annual Town Budget. Under Section 810 of the Draft Charter, emergency appropriations are allowed up to 50% of the town's undesignated fund balance. The process to approve emergency appropriations is unchanged.

7. Section 1008, Review and Amendment of the Charter: Under Section 1108 of the current Charter, the Charter must be reviewed every five (5) years by the Board of Selectmen. There is no specific date identified to start the five-year period. Under Section 1008 of the Draft Charter, the Charter must be reviewed every seven (7) years from the effective date.

8. Clarifying Language and Technical Changes: The Draft Charter includes a number of clarifications to existing language and technical changes that do not result in substantive changes. These changes are indicated in the attached Proposed Revised Charter.

9. Matters Reviewed but not included in the Proposed Revised Charter: The Commission reviewed a number of proposed Charter amendments but voted to make no changes to the current Charter, including (a) changing the Charter to the town manager form of government; (b) changing the terms of office for elective offices, including increasing the term of office for the First Selectman from two years to four years; (c) combining the Planning and Zoning Commissions; (d) exempting town projects from land use commission review; (e) changing the process to fill a vacancy in the office of First Selectman; (f) changing the process to appoint the deputy first selectman; (g) creating an ombudsman position; (h) changing the make-up of the Open Space Committee; (i) changing the process of electing vs. appointing members of boards and commissions; (j) defining certain town officers and who they serve; (k) requiring additional referrals to the Conservation Commission; (l) addressing the WPCA hook-up fees issue; and (m) creating a pension and other post-employment benefit board as a permanent appointed commission.

## **VIII. Joint Meeting with the Board of Selectmen**


On May 14, 2012, the Board of Selectmen reviewed the Proposed Revised Charter. As a result of their review, the Board requested that the Commission review the following five issues: (1) review the new town Meeting section to clarify the difference between electors and voters (Wertheimer Motion); (2) the new Design Review Board section of the Charter (Hampton Motion); (3) Section 808 to clarify the proposed pension language section (Hampton Motion); and (4) to ask the commission to consider adding a requirement for public audience at all meetings (Hampton Motion); and (5) to ask the Commission to review any procedural issues and to correct any inadvertent errors in the Draft. On June 12, 2012, the Board and the Commission met to confer over the Board's requested changes. As a result of the conference, the Commission voted to replace Sections 409(f) and 409(g) with substitute language to clarify Town Meeting procedures and to allow those eligible to vote under General Statutes §7-6 to vote in all Town Meetings.

Respectfully submitted by the Simsbury Charter Revision Commission this \_\_\_\_ day of June, 2012.

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Robert Heagney, Esq.  
Chairman

Received by the Simsbury Town Clerk on June 18, 2012



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Carolyn Keily, Town Clerk